

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

JENNIFER L. MILLER, *et al.*,

Plaintiffs,

v.

MICHAEL J. ANDERSON, *et al.*,

Defendants,

and

FIRSTENERGY CORP.,

Nominal Defendant.

Judge John R. Adams

Case No. 5:20-CV-01743

Status Report (per ECF No. 160)

PLAINTIFFS' ELEVENTH STATUS REPORT

Plaintiffs, including Intervenor-Plaintiffs who are also court-appointed Lead Plaintiffs in the parallel, substantively identical, derivative action pending in the United States District Court for the Southern District of Ohio, respectfully submit the following status report in accordance with the Court's November 9, 2021 Case Management Plan (ECF No. 160).

1. Discovery during the Reporting Period

None.

2. Settlement Discussions during the Reporting Period

None.

3. Motions Filed or Pending during the Reporting Period

On August 24, 2022, Plaintiffs joined the Individual Defendants and the Special Litigation Committee of Nominal Defendant FirstEnergy Corp. in a motion to dismiss this Action with prejudice in light of the August 23, 2022 Order issued by the Southern District of Ohio in

Employees Retirement System of the City of St. Louis, et al. v. Jones, et al., No. 2:20-cv-04813 (S.D. Ohio), granting final approval of the parties' settlement of FirstEnergy's claims in a parallel derivative action. *See id.*, ECF No. 195 (S.D. Ohio Aug. 23, 2022) (the "Final Approval Order") (filed in this Action at ECF No. 353-1). That motion remains pending.

On September 8, 2022, Plaintiffs filed an Opposition to Todd Augenbaum's Motion to Intervene, Appoint Lead Counsel and Lead Plaintiff. ECF No. 361. Mr. Augenbaum's motion remains pending.

4. Developments Giving Rise to a Request to Deviate from the Case Management Plan

Plaintiffs respectfully refer the Court to Plaintiffs' Status Report Nos. four (March 24, 2022 [ECF No. 297]), five (May 9, 2022 [ECF No. 313]), six (June 23, 2022 [ECF No. 325]), seven (August 8, 2022 [ECF No. 342]), eight (September 22, 2022 [ECF No. 373]), nine (November 7, 2022 [ECF No. 380]), and ten (December 22, 2022 [ECF No. 393]) regarding the settlement of FirstEnergy's claims concerning the events giving rise to this action.

Dated: February 6, 2023

Respectfully submitted,

/s/ John C. Camillus

John C. Camillus

LAW OFFICES OF JOHN C. CAMILLUS LLC

John C. Camillus (0077435)

P.O. Box 141410

Columbus, OH 43214

Phone: (614) 992-1000

jcamillus@camilluslaw.com

Liaison Counsel for Intervenor Plaintiffs

SAXENA WHITE P.A.

Maya Saxena

Lester R. Hooker

Dianne M. Pitre

7777 Glades Road, Suite 300

Boca Raton, FL 33434

Phone: (561) 394-3399
msaxena@saxenawhite.com
lhooker@saxenawhite.com
dpitre@saxenawhite.com

SAXENA WHITE P.A.

Thomas Curry
Tayler D. Bolton
824 N. Market Street, Suite 1003
Wilmington, DE 19801
Phone: (302) 485-0480
tcurry@saxenawhite.com
tbolton@saxenawhite.com

SAXENA WHITE P.A.

Sara DiLeo
10 Bank Street, 8th Floor
White Plains, NY 10606
Phone: (914) 437-8551
sdileo@saxenawhite.com

- and -

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

Jeroen van Kwawegen
Margaret Sanborn-Lowing
1251 Avenue of the Americas
New York, NY 10020
Phone: (212) 554-1400
jeroen@blbglaw.com
margaret.lowing@blbglaw.com

Counsel for Intervenor Plaintiffs

COHEN MILSTEIN SELLERS & TOLL PLLC

Steven J. Toll
Daniel S. Sommers
Molly Bowen
1100 New York Ave. NW, Fifth Floor
Washington, D.C. 20005
Telephone: (202) 408-4600
Facsimile: (202) 408-4699
stoll@cohenmilstein.com
dsommers@cohenmilstein.com
mbowen@cohenmilstein.com

COHEN MILSTEIN SELLERS & TOLL PLLC

Christopher Lometti
Richard A. Speirs
Amy Miller
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838 7745
clometti@cohenmilstein.com
rspeirs@cohenmilstein.com
amiller@cohenmilstein.com

*Counsel for Additional Plaintiff Massachusetts
Laborers Pension Fund*

EDELSON LECHTZIN LLP

Marc H. Edelson
411 S. State Street
Suite N-300
Newtown, PA 18940
Telephone: (215) 867-2399
Facsimile: (267) 685-0676
medelson@edelson-law.com

Counsel for Additional Plaintiff Jennifer L. Miller

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2023, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to all ECF participants.

/s/ John C. Camillus

John C. Camillus